

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

EAMES OFFICE, LLC and)	
MAHARAM FABRIC CORP.,)	
Plaintiffs)	
v.)	Civ. No. 1:08-cv-988 (LAP)
)	ECF CASE
EASTHILL HOTEL CORP. d/b/a)	
THE POD HOTEL, and)	
SWAVELLE/MILL CREEK FABRICS, INC.)	
Defendants)	

REPLY TO COUNTERCLAIMS

Plaintiffs Eames Office, LLC and Maharam Fabric Corp., by and through their attorneys, Gravel and Shea, for their Reply to Counterclaims in the captioned matter, assert as follows with respect to the corresponding numbered allegations in the Counterclaim:

1. Upon information and belief, admit.
2. Admit.
3. Admit, and note that the spelling is "Hauppauge."
4. State that paragraph 4 contains allegations to which no response is required, otherwise deny.
5. Deny.
6. Deny.

7. Deny, except respectfully refer the Court to the First Amended Complaint for the allegations contained therein.

8. Deny knowledge or information sufficient to form a belief.

9. Deny knowledge or information sufficient to form a belief.

10. Deny knowledge or information sufficient to form a belief.

11. Deny knowledge or information sufficient to form a belief.

12. Deny knowledge or information sufficient to form a belief.

13. Admit.

14. Admit.

15. Admit.

16. Admit that the fabric is not machine washable, except state that Maharam's EAMES DOT PATTERN fabric can be dry cleaned.

17. Upon information and belief, admit.

18. Deny knowledge or information sufficient to form a belief.

19. Deny knowledge or information sufficient to form a belief, except respectfully refer the Court to the First Amended Complaint for the allegations contained therein.

20. Deny, and respectfully refer the Court to the First Amended Complaint for the allegations contained therein.

21. Deny knowledge or information sufficient to form a belief.

22. Deny, except respectfully refer the Court to the First Amended Complaint for the allegations contained therein.

23. Deny knowledge or information sufficient to form a belief.

24. Deny, except respectfully refer the Court to the First Amended Complaint for the allegations contained therein.

25. Deny.

26. Deny.

27. Deny.

28. Admit.

29. Deny.

30. Deny.

31. Deny.

32. Deny, except respectfully refer the Court to the referenced document for its contents.

33. Deny.

34. Deny.

35. Deny.

36. Deny, except respectfully refer the Court to the referenced document for its contents.

37. Deny.

38. Deny.

39. Deny.

40. Deny.

41. Deny.

42. Deny.

43. Deny.

44. Deny.

45. Repeat and re-allege each of the foregoing responses as if fully set forth herein.

46. Deny, except state that neither The Pod Hotel nor Swavelle has been authorized to use the EAMES DOT PATTERN, and further state that they have been so notified.

47. Deny.

48. Deny.

49. Deny.

50. Repeat and re-allege each of the foregoing responses as if fully set forth herein.

51. State that paragraph 51 contains allegations to which no response is required, otherwise deny.

52. State that paragraph 52 contains allegations to which no response is required, otherwise deny.

53. State that paragraph 53 contains allegations to which no response is required, otherwise deny.

54. Deny.

55. Repeat and re-allege each of the foregoing responses as if fully set forth herein.

56. State that paragraph 56 contains allegations to which no response is required, otherwise deny.

57. Deny.

DEFENSES

1. Failure to state a claim.
2. Statute of limitations.
3. Redundant of issues in First Amended Complaint.

WHEREFORE, Plaintiffs Eames Office, LLC and Maharam Fabric Corp. respectfully request:

- (a) that the Counterclaims be dismissed, and judgment be entered in Plaintiffs' favor and against Defendant Easthill Hotel Corp., d/b/a The Pod Hotel;
- (b) an award to Plaintiffs for the costs, disbursements and reasonable attorneys' fees incurred in responding to the Counterclaims; and
- (c) an award to Plaintiffs of such other and further legal and equitable relief as this Court deems just and proper.

Dated: Burlington, Vermont
May 30, 2008

/s/ Andrew D. Manitsky
Andrew D. Manitsky, Esq.
Megan J. Shafritz, Esq.
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Attorneys For Plaintiffs

CERTIFICATE OF SERVICE

I, Andrew D. Manitsky, attorney for Plaintiffs, certify that on May 30, 2008, I electronically filed with the Clerk of Court Plaintiffs' Reply to Counterclaims using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

Michael I. Chakansky, Esq.
Larry Howard Krantz, Esq.

Dated: Burlington, Vermont
May 30, 2008

/s/ Andrew D. Manitsky
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